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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.412 OF 2007
IN
WRIT PETITION NO.5989 OF 2002

Abdul Razzaque Abdl Rahim ... Applicant

V/s.

Head Inspector,
Municipal Corporation of
Gr.Mumbai & anr. ... Respondents

Mr.A.N. Mulla for Applicant
Mr.A.J. Bhor for Respondent

CORAM: **J.N. PATEL &**
SMT.NISHITA MHATRE, J.

DATED: **DECEMBER 18, 2007**

P.C.:

. Heard. This is a civil application filed on behalf of the petitioner seeking directions of this Court to the respondents to accept monthly rent of the suit premises from the petitioner. The learned counsel appearing for the respondent Municipal Corporation submits that the respondent Corporation has imposed penalty for non-payment of use and occupation charges and that the petitioner should deposit the use and occupation charges alongwith penalty without claiming any right to tenancy in respect of the suit premises in question.

2. The learned counsel for the applicant submits

that in an identical matter i.e. Writ Petition No.5990 of 2002, by order dated 20.11.2005, this Court has passed such orders enabling the petitioner to tender rent. We, therefore, direct the respondents to accept the rent/use and occupation charges from the petitioner for which the petitioner shall not claim any equity.

3. Civil application is disposed of accordingly.

(J.N. PATEL, J.)

(SMT.NISHITA MHATRE, J.)